

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARLOS ROBERTO LUNA,

Defendant.

NO. CR-07-2022-EFS-3

**ORDER DENYING DEFENDANT'S MOTION
TO RECONSIDER DETENTION ORDER**

Before the Court, without oral argument, is Defendant's Motion to Reconsider Detention Order (Ct. Rec. 101). After considering the submitted material and relevant authority, the Court is fully informed and hereby denies the motion.

On July 6, 2007, the Government's motion for detention was granted and Defendant was held in detention pending further order of the court (Ct. Rec. 96). In the instant motion, Defendant seeks reconsideration of the Detention Order requesting that he be released to his family pending adjudication. Defendant argues that substance abuse evaluation and treatment as a condition of release will ensure Defendant does not

pose a flight risk. (Defendant has not been evaluated for substance abuse problems pursuant to a recommendation by probation that such evaluation be offered as a condition of release.) The Government contends that Defendant has failed to submit any new information or evidence which could overcome the rebuttable presumption that no conditions are available to protect the community or assure Defendant's appearance. See 18 U.S.C. § 3142(e).

Defendant has put forth no concrete evidence that he does not pose a flight risk. On the contrary, according to the pretrial services report Defendant was known to disappear for months at a time when living with his family. Defendant has an extensive history of failure to appear, which emphasizes the concern that he will flee if released. Defendant's interest in obtaining drug abuse evaluation and treatment (assuming he complies with the conditions of his release) is outweighed by the Court's interest in ensuring Defendant's presence and protecting the community. **ACCORDINGLY IT IS ORDERED:** Defendant's Motion to Reconsider Detention Order (Ct. Rec. 101) is **DENIED**.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and furnish copies to counsel.

DATED this 1st day of August 2007.

S/ Edward F. Shea
EDWARD F. SHEA
UNITED STATES DISTRICT JUDGE

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